

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JEFFREY M. NORMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 06-005-LPS
	:	
DAVID W. ELKIN, RICHARD M. SHORIN	:	Jury Trial Demanded
and THE ELKIN GROUP, INC.,	:	
	:	
Defendants,	:	
	:	
-and-	:	
	:	
US MOBILCOMM, INC.,	:	
	:	
Nominal Defendant.	:	

**DEFENDANT DAVID W. ELKIN'S MOTION TO AMEND BRIEFING SCHEDULE DUE
TO SETTLEMENT DISCUSSIONS AND FOR EXPEDITED CONSIDERATION**

Defendant, David W. Elkin (“Defendant” or “Mr. Elkin”), by and through his undersigned counsel, respectfully submits this motion to amend the briefing schedule entered by the Court on August 28, 2017 (D.I. 305) and seeks expedited consideration of this motion. In support of his motion, Mr. Elkin states as follows:

1. Since the briefing schedule was entered, Mr. Elkin has initiated settlement discussions with Plaintiff and three law firms that have represented Plaintiff at various times over this matter’s 13 year history. For reasons detailed in his settlement proposal letter, Mr. Elkin has proposed ending this litigation with complete, mutual releases of all claims, against all parties and

their respective counsel, pending in and related to this matter's long history. *See Exhibit A* for Mr. Elkin's settlement proposal¹.

2. To date, Plaintiff has not formally responded to Mr. Elkin's settlement proposal. However, without disclosing the full nature of the complex discussions between the firms involved, Mr. Elkin's counsel understands that discussions and considerations of the proposal continue.

3. Mr. Elkin's willingness to settle on the terms set forth is predicated upon his avoiding the burdens of further litigation, including the contemplated briefing.

4. In order to allow this developing settlement proposal process to run its course, Mr. Elkin seeks a short thirty (30) day extension of the current briefing schedule (and he submits a proposed Order with new proposed dates). Given this matter's long and tortured history, adding another thirty days to allow a potential settlement to be thoroughly vetted is entirely reasonable and results in no prejudice to anyone.

5. In an effort to allow the parties ample time to consider Mr. Elkin's settlement proposal and engage in further, good-faith settlement discussions, Mr. Elkin asked Plaintiff to extend the briefing deadlines by 30 days, but Plaintiff's counsel has refused without explanation. *See Exhibit B.*

6. Mr. Elkin seeks expedited consideration of this motion because the current briefing schedule requires the parties to file their opening briefs by October 20, 2017—only 17 days from the date this motion was filed. If this motion were decided in the normal course, the deadline for submitting opening briefs would have passed. Thus, Mr. Elkin respectfully asks the Court to grant

¹ In order to avoid burdening the Court with a voluminous filing, the attachments to Mr. Elkin's settlement proposal are not included with Exhibit A. The attachments are, however, all available on this action's docket at D.I. 286-287. Mr. Elkin is able to submit hard copies of those filings upon the Court's request.

the relief sought herein promptly so that the parties can focus their efforts and resources on settlement discussions, rather than further briefing.

7. For these reasons, Mr. Elkin asks the Court to extend the briefing deadlines by approximately 30 days by entering the Proposed Order submitted contemporaneously herewith, which includes new deadlines for each of the required briefs, so that the parties have ample time to attempt to finally resolve this litigation without further burdening the Court.

Date: October 3, 2017

BLANK ROME LLP

/s/ David A. Dorey

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